

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL DRS45030-MH-7

Short Title: Stormwater/Include Donated Land in Density. (Public)

Sponsors: Senator Wells (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THAT PROPERTY DONATED TO THE STATE OR A LAND
3 CONSERVATION ORGANIZATION BE INCLUDED IN CALCULATIONS OF
4 PROJECT DENSITY UNDER STATE STORMWATER RULES.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.(a)** Definition. – "Calculation of Project Density Rule" means 15A
7 NCAC 02H .1003 (Requirements That Apply To All Projects) for purposes of this section and
8 its implementation.

9 **SECTION 1.(b)** Calculation of Project Density Rule. – Until the effective date of
10 the revised permanent rule that the Environmental Management Commission is required to adopt
11 pursuant to subsection (d) of this section, the Commission, the Department of Environmental
12 Quality, and local stormwater management programs shall implement the Calculation of Project
13 Density Rule as provided in subsection (c) of this section.

14 **SECTION 1.(c)** Implementation. – For purposes of calculating project density under
15 State stormwater rules, the Calculation of Project Density Rule shall be implemented to provide
16 that total project area shall include property that is contiguous with the developed property and
17 is donated by the permittee to the State or a land conservation organization. Such donation shall
18 include deed restrictions and protective covenants sufficient to ensure that the project will be
19 maintained in perpetuity consistent with the plans and specification approved by the permitting
20 authority.

21 **SECTION 1.(d)** Additional Rule-Making Authority. – The Commission shall adopt
22 a rule to amend the Calculation of Project Density Rule consistent with subsection (c) of this
23 section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this
24 section shall be substantively identical to the provisions of subsection (c) of this section.

25 **SECTION 1.(e)** Sunset. – This section expires when permanent rules adopted as
26 required by subsection (d) of this section become effective.

27 **SECTION 2.** This act is effective when it becomes law.

